

2. The Tribunal noted that, although the Copyright Office has received late-filed 1985 and 1986 cable compulsory license fees, the Copyright Office's Licensing Division is at present unable to allocate precisely those monies among the Basic, 3.75 and Syndex funds for each

year.<sup>1/</sup> The Tribunal asked those entitled to the royalties whether they wish to wait an unspecified period of time for the Licensing Division to complete the actual breakdown for the late payments and adjustments (which the Licensing Division has described as "an overwhelming task"), or simply project the earlier computations for each year's breakdown of the three funds.

3. The Music Claimants, unlike all other Phase I claimant groups, received the same percentage of each of the three funds for the years in question. Accordingly, whether an accurate but time-consuming and perhaps practically impossible computation of the three funds is made, or an admittedly inaccurate but immediate and practical projection of the three funds is used, is irrelevant to our distribution.

4. We recognize that other claimant groups may wish to advocate one position or the other. In our view, given that our distribution will be the same regardless of which approach is followed, we seek the promptest distribution

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1 The Licensing Division informs us that, as of March 2, 1989, the total 1985 fund is \$501,427.45; as of April 13, 1989, the total 1986 fund is \$3,014,311.21.

possible subject to a computation of reasonable accuracy  
and practicality.

Respectfully submitted,

AMERICAN SOCIETY OF COMPOSERS,  
AUTHORS AND PUBLISHERS

Bernard Korman /jjd  
Bernard Korman  
ASCAP  
One Lincoln Plaza  
New York, N.Y. 10023  
(212) 870-7510

Of counsel: I. Fred Koenigsberg  
Bennett M. Lincoff

BROADCAST MUSIC, INC.

Charles T. Duncan /jjd  
Charles T. Duncan  
Reid & Priest  
1111 19th Street, N.W.  
Washington, D.C. 20036  
(202) 828-0100

Of counsel: Edward W. Chapin  
Nicholas Arcomano  
Michael W. Faber  
Joseph J. DiMona

SESAC, INC.

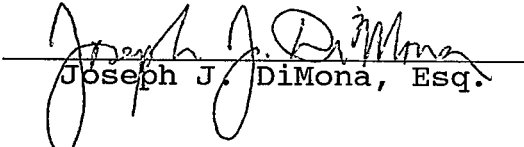
Laurie Hughes /jjd  
Laurie Hughes  
SESAC, Inc.  
55 Music Square East  
Nashville, Tennessee 37203  
(615) 320-0055

Of counsel: Steve Gordon

Dated: March 10, 1989

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing  
"Comments of the American Society of Composers, Authors and  
Publishers, Broadcast Music, Inc. and SESAC, Inc. on  
Allocation of 1985 and 1986 Cable Royalties" was served on  
this 10th day of March, 1989, via first-class mail, postage  
prepaid, to each of the parties on the attached service  
list.

  
\_\_\_\_\_  
Joseph J. DiMona, Esq.

Arthur Scheiner, Esq.  
Dennis Lane, Esq.  
Wilner & Scheiner  
1200 New Hampshire Ave., N.W.  
Washington, D.C. 20036

John Koshel, Esq.  
Assistant to the Chairman  
SESAC, Inc.  
156 West 56th Street  
New York, NY 10019

Fritz E. Attaway, Esq.  
Motion Picture Association of  
America  
1600 I Street, N.W.  
Washington, D.C. 20006

Harry R. Olsson, Jr., Esq.  
Gilbert & Gilbert  
10 E. 40th Street, 43rd Floor  
New York, NY 10016

Robert A. Garrett, Esq.  
Arnold & Porter  
1200 New Hampshire Ave., N.W.  
Washington, D.C. 20036

Jamie S. Gorelick, Esq.  
Miller, Cassidy, Larroca & Lewin  
2555 M Street, N.W., Suite 500  
Washington, D.C. 20037

Philip R. Hochberg, Esq.  
Baraff, Koener, Olender &  
Hochberg, P.C.  
2033 M Street, N.W., Suite 700  
Washington, D.C. 20036-3355

Carol R. Whitehorn, Esquire  
Senior Attorney  
National Public Radio  
2025 M Street, N.W.  
Washington, D.C. 20036

Ritchie T. Thomas, Esq.  
Judy Jurin Semo, Esq.  
Squire, Sanders & Dempsey  
1201 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

W. Thad Adams, III, Esq.  
2180 First Union Plaza  
301 S. Tryon Street  
Carhlotte, North Carolina 28282

John H. Midlen, Jr., Esq. .  
1050 Wisconsin Avenue, N.W.  
Washington, D.C. 20007

Douglas G. Thompson, Esq.  
Kendell Satterfield, Esq.  
Finkelstein, Thompson & Levenson  
2828 Pennsylvania Ave., N.W., Suite 20  
Washington, D.C. 20007

Clifford Harrington, Esq.  
Barry Gottfried, Esq.  
Fisher, Wayland, Cooper & Leader  
1255 23rd Street, N.W., Suite 800  
Washington, D.C. 20037

Grace Shafran, Esq.  
Legal Counsel  
Baton Broadcasting, Inc.  
Post Office Box 9  
Station "O"  
Toronto, Ontario M41 2M9

Diane H. Ming, Esq.  
George R. Grange, II, Esq.  
Gammon & Grange  
1925 K Street, N.W., Suite 300  
Washington, D.C. 20006

Mr. Robert O'Reilly  
Office of Executive Vice President  
Canadian Broadcasting Corporation  
Post Office Box 8478  
Ottawa, Ontario K1G 3J5

• Victor E. Ferrall, Jr., Esq.  
John I. Stewart, Jr., Esq.  
1001 Pennsylvania Ave., N.W.  
Washington, D.C. 20004

Joel M. Schoenfeld, Esq.  
Neal Edelson, Esq.  
Recording Industry Association  
of America, Inc.  
1020 Nineteenth Street, N.W.  
Suite 200  
Washington, D.C. 20036

Benjamin F. P. Ivins  
Assistant General Counsel  
National Association of Broadcasters  
1771 N Street, N.W.  
Washington, D.C. 20036

Jerome J. Shestack, Esq.  
Schnader, Harrison, Segal & Lewis  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103

Ronald E. Karam, Esq.  
Schnader, Harrison, Segal & Lewis  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103

Margot Polivy, Esq.  
Katrina Renouf  
1532 Sixteenth Street, N.W.  
Washington, D.C. 20036

Gene A. Bechtel, Esq.  
Bechtel, Borsari, Cole & Paxson  
2101 L Street, N.W., Suite 502  
Washington, D.C. 20037

Bernard R. Sorkin, Esq.  
Warner Communications, Inc.  
75 Rockefeller Plaza  
New York, NY 10019

Barbara S. Wellbery, Esq.  
Public Broadcasting Service  
Sixth Floor  
1320 Braddock Place  
Alexandria, VA 22314

Dennis Angel, Esq.  
33 Lynwood Road  
Scarsdale, New York 10583

Arnold P. Lutzker, Esq.  
Dow, Lohnes & Albertson  
1255 Twenty-Third St., N.W.  
Suite 500  
Washington, D.C. 20037

Peter H. Feinberg, Esq.  
Pepper & Corazzini  
1776 K Street, N.W., Suite 200  
Washington, D.C. 20006